

DEC 29 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ADRIAN MARTINEZ PEREZ,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-71166

Agency No. A096-072-160

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted December 17, 2008^{**}

Before: GOODWIN, RYMER, and TROTT, Circuit Judges.

Adrian Martinez Perez, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for cancellation of removal.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

We dismiss the petition for review.

We lack jurisdiction to review the agency's discretionary determination that Martinez Perez failed to show exceptional and extremely unusual hardship to a qualifying relative. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

Martinez Perez's contention that the agency violated due process by disregarding his evidence of hardship is unsupported by the record and therefore does not amount to a colorable constitutional claim. *Id.*

Martinez Perez's motion to file an untimely reply brief is granted. The Clerk shall file the brief received on November 7, 2007.

PETITION FOR REVIEW DISMISSED.